THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.13354 of 2006

Date 15-6-2007

Between:
Sarvepalli V. Gopi Krishna and others.

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PETITIONERS
AND

Andhra Pradesh Public Service Commission,
Represented by its Secretary, Gruhakalpa,
Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.13354 of 2006

ORDER: (per Smt. T.Meena Kumari,J)

The petitioners filed the present writ petition seeking a writ of Certiorari to call for the records relating to and connected with the order dated 4.5.2006 in O.A. No. 7806 of 2006 on the file of the A.P. Administrative Tribunal, Hyderabad and to quash the same. They also sought a consequential direction to the 1st respondent to hold fresh examination in all subjects pursuant to Advertisement No.10 of 2004 for selection to Group – II Service.

The 1st respondent issued notification under Advertisement No.10 inviting applications from eligible candidates for recruitment in various Group-II Services. Out of the posts so notified, seven are Executive and the remaining seven are non-executive cadre posts. The scheme of the examination was that there was one compulsory subject and two optional subjects. Even before examination was conducted, the respondent-Commission issued notification Nos. 12 and 13 of 2004. Advertisement No.12 of 2004 was issued for gazetted posts; whereas Advertisement No.13 of 2004 was issued inviting applications from eligible candidates for appointment to various categories of posts to non-gazetted posts. While so, the written examination in respect of Advertisement No.13 of 2004 was conducted on 23.4.2005 whereas in respect of Advertisement No.10 of 2004, it was held on 8th and 9th of October, 2005. According to the petitioners, the question paper for Political Science consisted of 150 questions carrying 150marks. Similarly, for the examination conducted on

9.10.2005 in respect of Advt. No.10/04, a total number of questions in Political Science are 150 and the marks are also 150. Out of 150 questions in the question paper for the examination held on 23.4.2005 in respect of Advt. No. 13/04, 123 questions were repeated in the examination held on 9.10.2005 pursuant to AdvertisementNo.10 of2004. In view of the repetition of the questions within a span of four months, the majority of candidates who have opted Political Science are being benefited and the petitioners and others have lost their chances for being selected. Similarly, 42 questions in Anthropology out of 150 questions in respect of examination held on 23.4.2005 were repeated in the examination held in October, 2005. Likewise, 29 questions in General Studies examination and 22 questions in History paper also were repeated in the examination held on 8.9.2005 and 9.10.2005. Petitioners, therefore, filed O.A. No. 7806 of 2005 before the Tribunal seeking a direction to the respondents to conduct fresh examinations for Group-II main examination held on 8.9.2005 and 9.10.2005.

The respondent-Commission filed counter affidavit before the Tribunal whereunder they did not dispute about the issuance of notifications and also the scheme of examinations. They further stated that the A.P.P.S.C. had conducted examination for Non-Gazetted Recruitment and Group-II mains in the month of April and October, 2005 respectively. The syllabus and standard of both the recruitments are one and the same and the repetition alleged by the petitioners was beyond the control of the Service Commission. Further, mere appearance of a candidate in an examination, would not make him thorough in the entire subject. Once the syllabus is prescribed, a candidate is expected to be well versed with it and the petitioners can have a grievance only if the questions are given outside the prescribed syllabus. Therefore, the grievance of the petitioners was quite illusory and no prejudice is caused to them nor any advantage was accrued to the candidates who appeared for the earlier test held on 23.4.2005. Further, the Commission cannot interfere with the prerogative of subject experts in preparing the question papers and the Commission can only instruct the concerned examiners to prepare the syllabus and standard of examination. Thus, the entire system is foolproof

with absolute secrecy.

The Tribunal, on a perusal of the entire material on record fund that the respondent-Commission did take ample care and caution in maintaining the secrecy of the question paper. It also found that the syllabus for all the four subjects, namely, Political Science, Anthropology, general Studies and History is the same. Further, different examiners were appointed for setting up of the papers and if repetition has occurred, the same is beyond the control of the Commission and no prejudice is caused to the petitioners. The Tribunal taking all these aspects into consideration, dismissed the O.A.

The respondent-Commission conducted the examinations in question as per the standard and syllabus prescribed. Further, the Commission also took due care and caution in maintaining the secrecy of the question papers and also appointed different examiners for setting up of the papers. In view of the fact that the syllabus for all the four subjects, namely, Political Science, Anthropology, general Studies and History being the same, there would have been some repetition in the questions, which was not intentional, but, quite accidental. Therefore, the petitioners cannot take advantage of the situation and seek for re-conducting of the examinations. Further, there is no provision, as such, which entitles the Commission for setting up of papers for holding the examinations.

Under the circumstances, we do not find any illegality or irregularity in the order of the Tribunal warranting interference. The writ petition fails and the same is accordingly dismissed. No costs.

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T. MEENA KUMARI,J

DATE: 15th June, 2007

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G. CHANDRAIAH,J

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